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TOWN OF CARLISLE

OFFICE OF Zoning Board of Appeals

**66 Westford Street
Carlisle, MA 01741
978-369-5326**

Minutes: Board of Appeals, April 1, 2019

Call to Order

The meeting was called to order at 7:30 p.m. in the Town Hall, 66 Westford Street. Chair Snell advised those present that the hearing was being recorded and asked if anyone present was also recording the hearing. Helen Lyons, reporter from the Mosquito, informed the Board that she would be recording the hearing.

Roll Call and Declaration of Quorum

Chair Snell recognized the required quorum of Members. Present were Members Travis Snell (Chair), Manuel Crespo (Clerk), Steven Hinton and Associate Members Gretchen Anderegg and Eric Adams.

Statement of Compliance

The issue of compliance regarding posting of the hearing was confirmed by the Chair. According to Secretary Wang, the Meeting Notice was posted in Town Hall on March 26, 2019.

Public Comment – Approval of Agenda

Chair Snell asked those present if there were any matters other than those listed on the agenda which the public would like to add to the agenda. When none were offered, the agenda was accepted.

Acceptance of Prior Minutes

The Board voted to accept the minutes from March 4, 2019 as amended.

Old Business – Hearing for case 1701

The Board reopened the hearing continued on March 4, 2019 for the application of Angus Beasley requesting a Special Permit to rebuild the house and barn increasing the overall footprint on an existing non-conforming lot, being .528 acres where 1 acre is required under Zoning Bylaw Section 4.1.1.1. The property is located in the Residence A Historic District at 21-23 Bedford Road.

Secretary Wang reported that the Applicant had requested to withdraw the application without prejudice. The Board voted 4-0 in favor of the request, Snell (aye), Crespo (aye), Hinton (aye) and Anderegg (aye). Member Adams recused himself from the vote.

New Business – Hearing for case 1906

Chair Snell opened the public hearing for application 1906, the application of Linda Rubenstein requesting a Special Permit under Zoning Bylaw Section 3.2.2.9 to operate a dog daycare and board business. The property is located in the Residence District B at 134 Ember Lane.

Secretary Wang reported that correspondence from a group of abutters that included a Statement of Opposition, Printout of the Applicant's website, 2018-2019 School Bus Schedule for Carlisle Middle School, Carlisle Elementary School and CCHS. The abutters were:

Meredith and Brian Bielecki	45 Ember Lane
Elaine Jones	87 Ember Lane
Victor and Carolyn Liang	130 Ember Lane
John & Jude Fry	132 Ember Lane

Robert and Leslie Morgan	157 Ember Lane
Balbir and Neelam Shiag	163 Ember Lane
David Casebier and Anne Kowal	161 Ember Lane

Applicant's Testimony

The Applicant, Linda Rubenstein, provided the following details in describing her business:

- The dog daycare and boarding business has been operating for 15 years.
- At the time the Applicant started the business she was advised at Town Hall that no permits were required.
- There is a limit to the number of dogs allowed, never more than 12. The average number of dogs is 4 to 9 on a day.
- Dogs are never left alone outside in the fenced in area and are never walked without a leash off the property.
- Dogs spend most of the day in the house.
- There are no employees. There is a family member and two other adults who live at the house and help with the dogs.
- In 15 years of operating the business there have been no complaints.
- In 15 years of operating the business not any person or dog has been hurt.
- There are no planned changes or additions to the current structure.
- The earliest dropping off of dogs is 8:00 am.
- There is more traffic from landscapers, contractors and buses than from her business.
- On March 24, 2019 a letter was sent to the neighbors to let them know about the applications.
- On March 28, 2019 the neighbors by means of a conference call informed her that they oppose the business.
- The Applicant stated that the business is her life and livelihood and that this is a home business like others in Carlisle.
- There is no signage.
- Barking is limited, mostly by the Applicant's own dog. The other dogs bark at the horses that walk on the Morse trail.
- The dogs' waste is picked up from the yard daily and disposed of off-site weekly by a waste disposal service.

Board's comments

The Board asked about the average stay of dogs for boarding. The Applicant said that during summer time and school vacation some dogs stay for a week or two. Typically there are four (4) dogs on a regular basis and the high end being nine (9) dogs.

Public comments: The following residents spoke in favor of the business noting the benefits to the Town:

Charles Bradly	296 Fiske Street
Krista Stengrevics	1184 Westford Street
Cathy Blinn	372 Brook Street
Laura Baliestiero	153 Log Hill Road
Deborah Kablotsky	55 Lowell Street
Lissa Walsh	41 Shady Brook Lane
Debbie Merz	168 Bingham Road

John Fry, abutter at 132 Ember Lane, spoke in opposition to the application noting that Bylaw Section 3.2.2.9 does not apply to dog care services. He added that all those present who spoke in favor of the application are clients not abutters. Dave Casebier, abutter at 161 Ember Lane and Bob Morgan, abutter at 157 Ember Lane, spoke in opposition to the application regarding the traffic and noise generated by the business.

Board's comments

Chair Snell explained to the Applicant that the Bylaw Section 3.2.2.9 which was recorded on the application does not apply to the type of service provided. The Special Permit request should have been for Section 3.2.2.7. Town Counsel advised the Board that the Section number cannot be changed during the hearing because it was noticed as 3.2.2.9 however the Applicant can reapply for a hearing using Section 3.2.2.7. The Chair noted that the error was not noticed until today. The Applicant was told that she could withdraw without prejudice and reapply for a hearing next month and that the application fee would be waved.

The Applicant withdrew the request for the Special Permit and informed the Board that she intends to resubmit an application using Section 3.2.2.7.

Chair Snell made a motion to accept the request to withdraw without prejudice application number 1906. Member Anderegg seconded the motion and all vote in favor, Snell (aye), Crespo (aye), Hinton (aye), Anderegg (aye) and Adams (aye). The public hearing was closed.

Site visit

The Board discussed the need for a site visit and a date of April 15, 2019 at 9:00 am worker for most of the Members. Chair Snell arranged to visit the site on April 18, 2019 at 8:45 am.

Adjournment

Chair Snell asked those present if there were any additional issues to discuss. When none were offered the meeting adjourned at 8:50 pm.

Respectfully submitted
Peggy Wang